

## **SUMMARY SHEET**

### **I. Description of Item**

**This Resolution approves a compromise settlement in the case of E.R. v. Shelby County, et al., U. S. District Court No 08-2378, in the amount of \$130,000.00.**

### **II. Source and Amount of Funding**

**County General Funds in the amount of \$130,000.00  
Account No. 969-950101-6410TL Tort Liability Fund**

### **III. Contract Items**

### **IV. Additional Information Relevant to Approval of this Item**

#### **I. Description of Item**

This case arises out of an alleged assault of an inmate by another inmate in the Shelby County Jail on June 10, 2007. The Plaintiff, now 54 years old, was arrested on a warrant that had been outstanding since 1983 and it appears that it should have been recalled in 1995. During his brief stay in the Jail, he shared a cell with another inmate. He made no complaints about an assault at the time. He sought chiropractic attention and was subsequently referred to a psychologist and hospitalized at in July 2007. He has brought suit using his initials for privacy reasons and Shelby County has agreed to respect his privacy in all public documents.

He reported the alleged assault in August 2007, at his psychologist's direction. The Sheriff's Office conducted a full criminal investigation as well as an internal investigation. There was no physical evidence to support the allegations due to the delay in reporting. The cell-mate denied the assault. The District Attorney General declined to prosecute. There was no finding of wrong-doing by employees. However, the Plaintiff's post-traumatic stress disorder diagnosis has been confirmed by two (2) treating psychologists, and an independent expert, with past and future medicals in excess of \$100,000.00, and their testing has confirmed that he believes that he was assaulted.

This proposed resolution followed two (2) court-ordered mediation sessions before Magistrate Judge Tu M. Pham. The County Attorney's office recommends approval of this item.